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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/008,452

**Applicant(s)**

SAGI, UDAY C.

**Examiner**

Bharat N. Barot

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**RESPONSE TO AMENDMENT**

1. Claims 1-15 remain for further examination.

**The old rejection maintained**

2. Applicant's arguments with respect to claims 1-15 filed on June 08, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-15. The rejection is respectfully maintained as set forth in the last Office Action mailed on February 08, 2005.

**Claim Rejections - 35 USC § 103(a)**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-9, and 1 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide et al (EP 1093271 A2 published April 18, 2001) further in view of Appleman (U.S. Patent No. 6,750,881).
5. Masahide teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract).

As to claim 1, Masahide teaches a method for controlling an intelligent device over a communication network, the method comprising the steps of: coupling the

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physical device having a first IRC client to a control station having a second IRC client using the communication network and IRC protocol (figures 1-3; and columns 8-9, Masahide discloses that a physical devices is connected to an instant messaging client);

Masahide fails to teach the claimed limitation of Instant Messaging protocol. Masahide does teach that the intelligent device is controlled through an instant relay chat protocol (IRC) (columns 1-2).

However, communicating via an Instant Messaging (IM) protocol is old and well known in the art.

"Official Notice" is taken that the concept and advantages of using Instant Messaging servers and protocol is old and well known in the art, as evidenced by many cited references in this office action including references such as "Appleman 881", "Crawford 608", and "Greene 173".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing the intelligent device control in an Instant Messaging system since Instant Messaging systems represents an advanced protocol based on the Instant Relay chat. One would be motivated to do so since Instant Messaging is a popular protocol used on the Internet for real-time communication.

controlling the intelligent device by sending an instant message from the control station, the instant message comprising a command (columns 10-11, Masahide discloses that physical devices are added to an instant messaging channel and that

control commands are relayed to the physical devices through the attached instant messaging client).

Masahide fails to teach adding the intelligent device to an IM "buddy" list, the IM buddy list allowing access to the intelligent device. Masahide does teach that a channel is created and instant messaging clients and their associated physical devices join a chat channel, which allows access to the devices logged in to the channel (columns 8-10).

However, Appleman teaches a user definable on-line co-user lists (see abstract). Appleman teaches adding a client to an IM "buddy" list, the IM buddy list allowing access to the client's on-line status (figures 1-6; and column 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing a buddy list as taught by Appleman. One would be motivated to do so to define a user group.

6. As to claim 2, Masahide teaches the method of claim 1, further comprising the step of identifying a status of the intelligent device to the control station by sending from the intelligent device to the control station a selected one of a plurality of On-line indicators (columns 3 and 10, Masahide discloses that greetings and welcome are used indicate the status of joining a channel).

Masahide does not teach IM indicators. However, Appleman teaches a user definable on-line co-user lists (see abstract). Appleman teaches IM indicators (figures 1-6; and column 5).

It would have been obvious to one of ordinary skill in the art at the time' of the invention to modify Masahide by implementing IM indicators taught by Appleman. One would be motivated to do so to implement an advanced real-time on-line protocol based on IM.

7. As to claim 3, Masahide teaches the method of claim 1. Masahide does not teach creating an IM user list and an access control list corresponding to the clients', and providing control of the intelligent device by the user in accordance with the access control list. Masahide does teach that an event table is defined for IRC clients joined in a chat room/channel that functions as an access control list for physical devices attached to IRC clients (column 9).

However, However, Appleman teaches a user definable on-line co-user lists (see abstract). Appleman teaches creating an IM user list and an access control list corresponding to the clients', and providing control of the intelligent device by the user in accordance with the access control list (figures 1-6; and column 3, Appleman discloses a group name table 30 and a buddy list table 32 that defines a list of users in a buddy list and control tracking on-line status of the buddy list group).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by creating an IM user List and an access control list corresponding to the clients', and providing control of the intelligent device by the user in accordance with the access control list. One would be motivated to do so to restrict access to a predefined group of clients.

8. As to claim 4, Masahide teaches the method of claim 1. Masahide fails to teach the claimed limitation of authenticating at least one of a user, a server, and a proxy when sending and receiving an instant message.

However, "Official Notice" is taken that the concept and advantages of authenticating at least one of a user, a server, and a proxy to an instant messaging service is old and well known in the art as evidenced by many cited references in this office action including references such as "Crawford 608", (columns 10-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by specifying the authentication of users, proxies or servers. One would be motivated to do so to restrict access to the chat room to by certain participants.

9. Claims 5-7, 8-9, 11-12 and 13-14 do not teach or define any new limitations above claims 1-4 and therefore are rejected for similar reasons.

10. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide in view of Appleman and further in view of Greene (U.S. Patent No. 6,668,173).

11. Masahide teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract).

As to claim 10, Masahide teaches the intermediate controller of claim 8.

Masahide in view of Appleman fail to teach the limitation wherein the processor is further programmed to serve as a wireless network proxy.

However, Greene teaches a method and system for Instant Message user location tracking system for wireless devices (see abstract). Greene discloses a wireless IM server 19 for providing wireless instant messaging services (figure 1; and column 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Masahide and Appleman by implementing a wireless IM proxy server. One would be motivated to do so to allow mobile devices to interact and use an Instant Messaging service.

12. Claims 15 does not teach or define any new limitations above claim 10 and therefore is rejected for similar reasons.

### **Response to Arguments**

13. Applicant's arguments with respect to claims 1-15 filed on June 08, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-15.

14. In the remarks, the applicant argues that:

**(A) Argument:** Masahide and Appleman taken alone or together do not show or suggest all limitation of the method of controlling an intelligent device using IM protocols



and constructs as specifically defined in claim 1 or the intelligent device of claim 5 or the intermediate controller of claim 8 or the control station of claim 13.

**Response:** Combination of Masahide and Appleman teaches the method of controlling an intelligent device using IM protocols and discloses an intelligent device (see Masahide figures 1-3 and column 8-14) and discloses the intermediate controller and the control station (see Masahide figures 4-7 and column 14-17); and for the specific limitation "an IM buddy list", Appleman teaches a user definable on-line co-user lists (see abstract). Appleman also teaches that adding a client to an IM "buddy" list, the IM buddy list allowing access to the client's on-line status (see Appleman figures 1-6; and column 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing a buddy list as taught by Appleman. One would be motivated to do so to define a user group.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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**Contact Information**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

*Bharat Barot*  
**BHARAT BAROT  
PRIMARY EXAMINER**

Patent Examiner Bharat Barot

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August 09, 2005